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The Legitimacy of Anti-Affirmative Action Initiatives: Didactical Lessons for 21st Century Administrators

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“In the next century, with anti-affirmative action measures on the rise, we may unconsciously be reverted back to the 1950’s and 1960’s, whereby our public schools were segregated by race. Didactical lessons for 21st century administrators will be to develop strategies that will keep schools accessible to everyone.”

The continuation of affirmative action policies and programs is emerging as one of the most contentious issues facing colleges and universities today. Since 1978, institutes of higher learning and state agencies have relied upon Supreme Court rulings and federal regulations to enforce affirmative action policies. In the case of "The Regents of the University of California v. Bakke, 1978," the Court mandated that higher education institutions are allowed to use "race" as a factor in admission decisions, but foes of affirmative action programs condemn the ruling because it allows special consideration for people of color, thus giving them access to "public" colleges and universities.

In the past two years, three controversial decisions: "The Hopwood and Piscataway" cases and Proposition 209, were rendered in Texas, New Jersey and California, respectively. Proponents and opponents from the judicial, legal, civil and educational fields are battling over whether or not these anti-affirmative action decisions are in violation of the United States Constitution, under the 14th Amendment or Section VI and VII of the Civil Rights Act of 1964.

The hot debate among scholars and other civic leaders is to determine the implications of initiatives to dismantle affirmative action. There are no definitive answers to the question of whether or not these programs are necessary. Ward Connelly, an African American who comfortably sits on the California Board of Regents and is an ardent opponent of the programs, is infuriating the African American community with such statements as; "Blacks should stop looking for hand-outs." Another outspoken foe is Michael Grieve, Executive Director for the Center for Individual Rights. Mr. Grieve believes he is to carry the torch for justice by soliciting White students who are willing to file reverse discrimination charges against institutions that have previously denied them admission. The jurisdictional nature of anti-affirmative decisions is forcing states to reciprocate or to adhere to the "Bakke" decision. Many feel the Supreme Court is the law of the land, while others believe states have the right to interpret, change or modify laws as they deem fit. In the three controversial cases, race is eliminated as a factor used in college admission and state employment. The "Hopwood and Piscataway" cases both involve White women who successfully filed discrimination suits against public institutions. Cheryl Hopwood, a potential law student at the University of Texas-Austin, was denied

admission, yet Black and Hispanics with lower scores were admitted. In New Jersey, Sharon Taxman was laid-off instead of a Black teacher, because the public high school wanted a racially balanced faculty. In California, Proposition 209 was passed by the voters and subsequently race and gender were eliminated as criteria for admission to state colleges and universities and in state employment as well.

A historical look back will show that before World War II, Hispanics and African Americans were virtually invisible in institutions of higher learning. It is important to note that the lack of "qualified" minority candidates was the result of segregation and racial and social unrest in the country.

In the next century, with anti-affirmative action measures on the rise, we may unconsciously be reverted back to the 1950s and 1960s, whereby our public schools were segregated by race. Didactical lessons for the 21st century administrators will be to develop strategies that will keep schools accessible to everyone. These strategies should include the following:

1. Administrators must be proactive in their demands for cultural diversity among faculty, students and other administrators. They must also be committed to the recruitment of minority faculty as role models for minority students.

2. Administrators must work directly with admission officers in the promotion of effective race-neutral alternatives that will help maintain a diverse student body. With the elimination of race and gender as admission criteria, in Texas, officials there have developed race-neutral initiatives. The new policy, which goes into effect in fall 1998, involves three components and will consider other factors, besides race, that may influence the admission decision.

3. As administrators, we must rely on empirical studies that support diversity and the need for affirmative action programs. Studies show that diversity benefits both minority and majority populations. It helps by exterminating stereotypes and prejudices through effective intellectual dialogue.

4. To justify the continuing need for these programs, it will be necessary to conduct homogenous, nationwide studies on the effects of preferential treatment in selected groups. Recently, the American Medical Association generated a report on the success of recipients of affirmative action programs. The report, a longitudinal study, was done at the University of California-Davis Medical School from 1968-1986. The report concluded that there were no significant differences between the success rates of those admitted through affirmative actions programs and those generally admitted.

5. Administrators must be prepared to address the issue of "race" in a holistic manner. Within the walls of our higher education institutions, this anti-affirmative action sentiment is spreading like cancer among some faculty, administrators and students as the doors slowly close on people of color who wish to attend predominantly white institutions. Institutions promote cultural diversity when they discuss race in open forums

that include: classrooms, lecture halls and conference rooms.

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